



PLANNING

MEETING OF THE GREENSBORO BOARD OF ADJUSTMENT

JANUARY 23, 2017

The regular meeting of the Greensboro Board of Adjustment was held on Monday January 23, 2016 at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Board members present were: Chair, Cyndy Hayworth, Patti Eckard, Laura Blackstock, Chuck Truby, Mike Cooke, Deborah Bowers, Enyonam Williams, and Mary Skenes. Representing the Planning Department staff was Loray Averett, Nicole Smith and Mike Kirkman; and Andrew Kelly, City Attorney's Office.

Chair Hayworth called the meeting to order and explained the policies and procedures of the Board of Adjustment. She further explained the manner in which the Board conducts its hearings and method of appealing any ruling made by the Board. The Chair advised that each side, regardless of the number of speakers, would be allowed a total of 20 minutes to present evidence.

APPROVAL OF MINUTES

Ms. Eckard moved approval of the December 2016 meeting minutes, as written, seconded by Ms. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Hayworth, Williams, Truby, Eckard, Blackstock, Skenes and Bowers. Nays: None.)

SWEARING IN OF STAFF

Loray Averett, Nicole Smith and Mike Kirkman were sworn in for their testimony during the hearings.

CONTINUANCES/WITHDRAWALS

Loray Averett stated that there were no request for a continuance or withdrawal.

OLD BUSINESS

VARIANCE

- (a) BOA-16-48: **4120 CAUSEY STREET** Teri W. Hammer requests a variance from minimum off-street parking requirements. **Variance:** A proposed detached townhome development can only provide 4 parking spaces when 12 spaces are required, therefore a reduction of 8 off-street spaces is requested. This request was continued from the December 19, 2016 meeting. Section 30-11-5, Present Zoning-RM-18 (Residential Multi-family), Cross Street - Boston Road. **(DENIED)**

Mr. Truby asked to be recused from this matter as there is a conflict of interest. He was recused by vote of 7-0-1. (Ayes: Hayworth, Williams, Eckard, Blackstock, Cooke, Skenes and Bowers. Nays: None. Abstained: Truby.) Ms. Bowers would be seated for this item.

Loray Averett stated that the applicant is requesting a variance to provide 4 off-street parking spaces for a proposed detached townhome development which requires 12 off-street parking spaces. This request was continued from the December 19, 2016 meeting. The property is located on the north side of Causey Street west of Boston Road and is zoned RM-18 (Residential Multifamily 18). The applicant is proposing to develop the site with tiny houses. The site will contain 6 detached dwelling units. The development will be designed to meet the requirements governing detached townhomes. The City's Technical Review Committee will review for compliance with the Land Development Ordinance. Some preliminary review noted that the project would not meet the minimum off-street parking requirements. The applicant has shown 4 spaces on the site. The proposed density is required to provide 13 spaces; thus, the applicant is seeking a variance for 9 off-street parking spaces. The lot is rectangular shaped. The width averages approximately 75 feet and the depth averages approximately 260 feet. The lot contains approximately 20,000 square feet. The project as designed, based on land use will be required to develop using detached townhouse development standards and townhouse parking requirements. The current Ordinance does not have standards or definitions for Tiny House development as a specific land use. The applicant recently purchased the property from the city of Greensboro and submitted preliminary plans for sketch review. The project is the first proposed tiny house project for the City of Greensboro. The applicant has mentioned the project is located within near proximity of public transit transportation and that it will be unusual for the residents using these homes to have motor vehicles. Exhibit 2-A is a map that shows the walking distances to each of the bus stop locations. Both locations are 1,925 lineal feet from the front of the subject site along the street frontages. Staff will note that there are no sidewalks constructed along the walking distances to the bus stops. The Building Code does require the applicant to provide a minimum of two parking spaces for ADA (American Disabilities Act for Handicap Persons) compliance. The RM-18, Residential Multi-Family District is primarily intended to accommodate multi-family and similar residential uses at a density of 18.0 units per acre or less.

In response to a question by Chair Hayworth, Loray Averett went into more detail concerning the parking requirements. The townhouse dwelling parking requirement is 2.1 spaces per unit and based on 6 homes that number came up 12.6 spaces. When the required number exceeds a whole number, the Ordinance provision allows for rounding down the space number to the nearest whole number. Handicap parking may be a part of that number.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Teri Hammer, the applicant, 1817 Madison Avenue, was sworn in and stated that there is a gentleman that owns the property next door to the subject property and he was not comfortable with the 4 parking spaces for the proposed off-site parking. She has met with him at the property and worked out a compromise and he has stated that 7 parking spaces would be amenable for him. She is now asking for 7 parking spaces for this development, which would be a variance request for 5 parking spaces. Ms. Hammer stated that this is a very unique population that would be living in these tiny houses. Many of these people living in these homes would not own a vehicle, so it is felt that the parking situation would be too restrictive.

Mr. Cooke stated that he thinks tiny houses are an awesome idea and a way to house a portion of the population that could not otherwise provide housing. He also feels that the parking requirements are somewhat too restrictive and unfair for this type of designation, but the Board has to abide by the ordinance that is currently in place.

After a short discussion with Legal staff, Chuck Truby, 502 Waycross Drive, was sworn in and stated that he is the civil engineer on this project and his firm is working on this project pro bono and they think it is a good cause for the recipients of this type of housing. There is currently not an ordinance related to tiny houses because this is a new concept. It is reviewed as a multifamily/townhome development and should meet the townhome development parking requirements. Not having an ordinance for tiny houses, staff is treating the development like townhouses, which they are not. He pointed out that a one-bedroom apartment in Greensboro is around 600 square feet and these houses are only 250 square feet, which is much smaller. To abide by the current ordinance for townhomes is going to cause much more damage to the surrounding area by cutting down more trees and paving land that does not need to be paved, thereby adding to the run-off of the area. He feels that seven spaces would be more than enough for this development. He does not see the need for 12 parking spaces for the development.

In response to questions, Loray Averett stated that two of the parking spaces would be required for ADA compliance.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

Ms. Eckard stated that she does support the request. Ms. Bowers supports the request. Ms. Blackstock also supported the request. Mr. Cooke stated that he could not support it because of the ordinance that is now in place. Ms. Skenes stated that the Board is being asked to consider some unenforceable assumptions in regard to this variance. The Board can only consider the land use and if these units should be rented to someone else in the future, then there may not be enough parking spaces and she is uncomfortable with the request at this time. Other Board members felt that the parking requirements should be met for this type of housing now and in the future so that there are no complications for the rest of the surrounding neighborhood. Ms. Williams stated that she would not support the request because the numbers of parking spaces the applicant can provide keeps going up, so there is some confusion on the final number of spaces that will be created on this property.

After a short discussion Ms. Williams moved that in regard to BOA-16-48, 4120 Causey Street, that the findings of fact be incorporated into the record and the Enforcement Officer be upheld and a variance be denied based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will not result to the property by applying strict application of the ordinance because the property could still be used for a time house development. The hardship of which the applicant complains does not result from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the property is large enough for the required parking spaces. The hardship is the result of the applicant's own actions because the applicant has used the extra space for a garden instead of the parking spaces that the ordinance requires. The variance is not in harmony with the general purpose and intent of the ordinance and does not preserve its spirit and does not assure public safety and welfare and substantial justice because allowing this variance to run with the land may cause problems if there is a different housing configuration in the future, seconded by Ms. Skenes. The Board voted 4-3-1 in favor of the denying the variance. (Ayes: Hayworth, Skenes, Williams and Cooke. Nays: Eckard, Blackstock and Bowers. Abstained: Truby.)

Thereupon, Ms. Bowers left for the remainder of the meeting at 6:35 p.m and Board Member Chuck Truby returned to his seat.

NEW BUSINESS

VARIANCE

- (a) BOA-17-01: **BETWEEN 5015 AND 5097 TOWER ROAD** Ryan Gladden, Attorney for William C. Payne Sr. Family, Ella Payne Trustee and Karen Koutsky request variances from standards regulating access requirements and vehicular access to public streets. **Variance:** The applicant is requesting to create two lots that cannot provide direct lot frontage and vehicular access to a publicly maintained street. The access is proposed to be through a recorded access easement which will cross over a portion of the Hamilton Woods Association property. Sections 30-13-3.8 and 30-9-3.1, Present Zoning-R-3 (Residential Single-family), Cross Street – Guida Drive. **(GRANTED)**

Loray Averett stated that the applicant is requesting variances from standards regulating access requirements and vehicular access to public streets. The applicant is requesting to create two lots that cannot provide direct lot frontage and vehicular access to a publicly maintained street. The access is proposed to be through a recorded access easement which will cross over a portion of the Hamilton Woods Association property. The two properties are located on the southern side of Tower Road and north of Guida Drive. They are zoned R-3 (Residential Single Family). The applicants are requesting to create two lots which will not have access to a publicly maintained street nor can they provide lot frontage. At one time, the subject properties were rear portions of properties that are located adjacent and south of the subject properties. The subject properties were sold by deed. Both of the subject properties are currently undeveloped. Exhibit 3 shows the southern lots that face Guida Drive and were recorded by Plat in 1962. Both of these properties are developed with single family homes. The current owners of the two subject properties have reached agreements with the owner of the property adjacent to Tower Road for access to the subject properties. That owner is Hamilton Woods Association, Inc. - The agreements and settlements are identified as Exhibit C, which is titled MUTUAL EASEMENT AGREEMENT and Exhibit D, which is titled CONSENT JUDGMENT. Staff's Exhibit 2 is a detail drawing of the two proposed lots. For clarification purposes, staff has labeled them as Proposed "Lot A" and Proposed "Lot B". The highlighted access adjacent to Tower Road will be for Lot A. That access will continue from Lot "A" to Lot "B" as shown and highlighted on this Exhibit. This will allow for both lots to have ingress/egress privileges for the properties. Each of the proposed lots will contain approximately 41,500 square feet of area. The R-3 zoning district requires a minimum of 12,000 square feet per lot, thus the lots will provide and exceed the required lot area. The R-3 Residential Single-Family District is primarily intended to accommodate low-density single-family detached residential development. The overall gross density in R-3 will typically be 3.0 units per acre or less.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Bill Payne, the applicant, 7501 Strawberry Road, was sworn in and stated that he is present on behalf of his mother Ella Payne and Ms. Karen Koutsky the other owner of the property. Part of the property is in a trust and must be represented by Counsel. The variance is for two lots that cannot provide direct frontage to a publicly maintained street and they propose that access be provided through a recorded permanent easement to cross the ten-foot strip of property that is now owned by Hamilton Woods Association. They have worked extensively with the Planning Department staff for their suggested layout, wording and requirements for the property easement, site drawings and the overall layout of the property. The map shown indicates the layout of the property. In 1973 his parents and Ms. Koutsky's parents and other neighbors, the Collins, purchased the triangle of land shown and this was land that was essentially left over from the subdivision of Guida Drive. The land was unusable for the subdivision for a building lot. In 1978 the Richardson Corporation started property development to the north and east of this property and during that development, Tower Road was extended from Muirs Chapel Road all the way over to Dolley Madison Road essentially cutting through the farm land and trees that were there before. At that time the "spite strip" was developed and was not seen as an antagonistic mode, and the distance between the property line and the street is about 10 feet. They have tried over multiple years to purchase that section of property to give them access to it and in the last several months they have been able to come to an agreement with the Hamilton Woods Association and have created this easement, so they now have their permission to now make use of this property for a cross-

over driveway including vehicular access and utilities across this space. At the advice of the Planning Department, they have created easements across Section A, to give access to Lot "B" and included for future use, the lot immediately to the west should that group ever decide to make use of that. They have also included a natural border between this property and the Hamilton Woods property to the east to meet part of the easement section. The hardship is because the two lots are currently land-locked and have no use or availability to the owners for any kind of use. There is no access from Guida Drive nor from Tower Road other than directly across the easement. These lots were never intended to be accessed from Guida Drive and now that Tower Road is in place this seems to be the only reasonable access to the property. Mr. Payne thanked the Board for their considerations as they begin their deliberations.

Karen Koutsky, 3990 Lakeshore Road S., Denver, NC, was sworn in and was available for questions by the Board.

In response to a question, Ryan Gladden, attorney representing the applicants, 4020 Fountain Grove, High Point, NC, stated that this easement was granted in the context of a lawsuit and so it is not just an easement agreement, it is also a consent judgment so that if it is the subject of any kind of attack in the future, even as a recorded easement, it would be difficult to break the easement agreement in the future.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

After some discussion among the Board members, there were no further questions and all Board members stated their support of the request.

Mr. Truby moved that in regard to BOA-17-01, Between 5015 and 5097 Tower Road, that the findings of fact be incorporated into the record and the Enforcement Officer be overruled and a variance be granted based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the two lots are land-locked and would not be able to be developed without the variance. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the two lots are land-locked by topography and a stream and the placement of Tower Road created a "spite strip" in the mid 1970s. The hardship is not the result of the applicant's own actions because the properties were purchased prior to the construction of Tower Road. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit and assures public safety and welfare and substantial justice because there would be no ability to improve or develop the property and no increase in value of the property, seconded by Ms. Blackstock. The Board voted 7-0 in favor of the granting of the variance. (Ayes: Hayworth, Eckard, Blackstock, Cooke, Truby, Williams and Skenes. Nays: None)

- (b) BOA-17-02: **605 WOODLAND DRIVE** James and Marianne Bennett request variances from a minimum side and rear setback requirement. **Variance:** A proposed detached garage will encroach 4.7 feet into a 10-foot side setback and 3.3 feet into a 10-foot rear setback. Section 30-8-11.1, Present Zoning-R-3 (Residential Single-family), Cross Street – Dover Road. **(GRANTED)**

Nicole Smith stated that the applicant is requesting a variance to enlarge and construct a detached garage taller than 15 feet that will encroach 4.7 feet into a 10-foot side setback and 3.3 feet into a 10-foot rear setback. The property is located on the south side of Woodland Drive, north of Dover Road and is zoned R-3 (Residential Single Family). The applicant's lot is rectangular shaped. The lot contains approximately 17,500 square feet. The house footprint on the ground contains approximately 2,160 square feet. The proposed garage dimensions are 27 feet x 40 feet and will contain 1,080 square feet. The applicant is allowed to have structures up to 50 percent of the size of the footprint on the ground. Based on the square footage of the house detached structures on the site may not exceed 1,080 square feet. The proposed garage will be within the maximum square footage requirements. The lot is developed with existing infrastructure consisting of the dwelling, a detached accessory carport, driveway, landscape features, fencing, vegetative growth and trees. The lot is heavily landscaped along the sides and rear of the property. There is an existing carport in the location of the proposed garage. The applicant is planning to basically remove the carport and reuse the foundation of that portion to rebuild a larger detached garage/building. this garage/building will be enclosed. The garage will be taller than 15 feet and is required to be 10-foot from the side and rear lot lines. The existing house is a two-story house. The new garage/building will be a two-story structure. The R-3 Residential Single-Family District is primarily intended to accommodate low-density single-family detached residential development. The overall gross density in R-3 will typically be 3.0 units per acre or less.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Marianne Bennett, the applicant, was sworn in and stated that she had notarized letters from 2 of the adjoining property owners, who are familiar with and support this request. They are hoping to add a space for her husband to have a home office as he works in Burlington and this would allow him to have a space over the garage for his office.

In response to a question, Frank Cheney, 1309 Latham Road, architect for the property, was sworn in and stated that the height of the existing carport is about 14 or 15 feet.

The playhouse would be taken down as the applicant's children have outgrown it.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

After some discussion among the Board members, there were no further questions and all Board members stated their support of the request.

Mr. Cooke moved that in regard to BOA-17-02, 605 Woodland Drive, that the findings of fact be incorporated into the record and the Enforcement Officer be overruled and a variance be granted based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the 10-foot rear side setback requirements and 3-foot rear setback requirements are triggered by the height of the proposed structure and this structure is in keeping and similar to the existing structure's height. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the proposed structure would be only slightly taller than the existing structure. The hardship is not the result of the applicant's own actions because the existing structure will be re-used and was in place prior to the Development Ordinance. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit and assures public safety and welfare and substantial justice because the accessory structure will only be slightly taller than the 15 feet, which triggers a difference in setback requirements, seconded by Ms. Skenes. The Board voted 7-0 in favor of the granting of the variance. (Ayes: Hayworth, Eckard, Blackstock, Truby, Cooke, Williams and Skenes. Nays: None)

- (c) BOA-17-03: **2003 INDEPENDENCE ROAD** Mark Crouse requests a variance from a required average front setback. **Variance:** A proposed front addition will encroach approximately 11.96 feet into a required average front setback of approximately 49.76 feet. The proposed addition will be setback 37.8 feet from the front property line. Present Zoning-R-5 (Residential Single-family), Section 30-7-1.4, Cross Street – Lawndale Drive. **(GRANTED)**

Nicole Smith stated that the applicant is requesting a variance for a proposed front addition which will encroach 11.96 feet into a required average front setback of approximately 49.76 feet. The front addition will be setback 37.8 feet from the front property line. The lot is located on the south side of Independence Road east of Lawndale Drive. Tax records reflect the lot size is approximately 9,585 square feet. The lot is rectangular in shape. The house was originally built in 1945. The existing house is located approximately 53.8 feet from the front property line. The applicant is proposing to construct an addition to the front of the house. The proposed addition will be 16 feet by 13 feet for a total of 208 square feet. There were three houses that were used to calculate the average front setback for the subject property. They are addressed as 2001, 2007 and 2009 Independence Road. Their combined setbacks averaged 49.66 feet. Effective April 4, 2014 infill standards for residential front setbacks were implemented. Prior to that implementation, the front setback for the R-5 zoning district was 20 feet. The applicant is requesting to be allowed to construct the front addition which will be approximately 37.8 feet from the front property line instead of the averaged setback of 49.66 feet. The R-5 Residential Single-family District is primarily intended to accommodate low density single-family detached residential development. The overall gross density in R-5 will typically be 5.0 units per acre or less.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Mark Crouse, the applicant, was sworn in and stated that he has been working on an addition to this house and has gone through the process of obtaining a building permit and found that he would be unable to put the addition on the front of the house as he is proposing, without obtaining a variance. The reason he wants the addition on the front of the house is because of the unique features of his property, because there is only 6 or 8 feet of space between the houses, so not a lot of space for expansion on the sides. The rear of the house would be preferable, but because of the architecture of the house, he cannot do that either. The original house had an addition constructed in the late 1960s, but the addition to the rear has a flat roof and is not an A-frame roof, so this would cause several problems with construction. So that leaves only the front of the house available for an addition. There are other houses in the neighborhood that are closer to the street than his would be even after the addition is completed. He has received no complaints or opposition to the proposed addition from his neighbors and it would be in keeping with other houses in the area.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

After some discussion among the Board members, there were no further questions and all Board members stated their support of the request.

Ms. Eckard moved that in regard to BOA-17-03, 2003 Independence Road, that the findings of fact be incorporated into the record and the Enforcement Officer be overruled and a variance be granted based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because due to the style and footprint of the house and the close proximity of the side neighbors, an addition on the front of the house is the only logical placement for an addition. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because properties on both sides of the house are less than 15 feet from the side lot setback lines and the lots are rectangular in shape. The hardship is not the result of the applicant's own actions because prior to 2014, when the ordinance were changed, the proposed addition would not have required a variance since the base setback was 20 feet. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit and assures public safety and welfare and substantial justice because granting this variance will allow the best use of the property, keeping in harmony with the neighborhood, seconded by Mr. Cooke. The Board voted 7-0 in favor of the granting of the variance. (Ayes: Hayworth, Eckard, Blackstock, Cooke, Truby, Williams and Skenes. Nays: None)

- (d) BOA-17-04: **807 HOBBS ROAD AND 3516 WEST FRIENDLY AVENUE** Thomas E. Terrell, Jr, Attorney for Halpern Tyrone, LLC requests a variance from the maximum fence/wall height requirement. **Variance:** A proposed privacy fence/wall along the north property line will exceed the maximum height of 7 feet by 1 foot. Section 30-9-4.6(A), Present Zoning-PUD (Planned Unit Development), Cross Street-Hobbs Road. **(GRANTED)**

Loray Averett stated that the applicant is requesting a variance from the maximum fence/wall height requirement. A proposed privacy fence/wall along the north property line will exceed the maximum height of 7 feet by 1 foot. The property is located at the northwestern intersection of West Friendly Avenue and Hobbs Road and is zoned PUD (Planned Unit Development). This is a special district with specific development standards which allow for multiples uses. The property consists of 6 lots under the same ownership and may be developed with residential and non-residential uses except for the uses that were excluded in the zoning conditions which are identified as Exhibit 2 in the case material. The zoning conditions contain specific regulation development in reference to the northern property line which is adjacent to the existing single-family development. The buildings must be a minimum of 20 feet from the northern lot line and they are limited to 1.5 stories in height with no exterior balconies facing the northern lot line adjacent to the existing single family development. The applicant is requesting to construct a fence/wall 8 feet in height along this northern lot line. The maximum wall height allowed is 7 feet. The wall will provide additional privacy to the existing single family development. The preliminary plan, identified as Exhibit 4, shows the commercial development is planned for construction along the West Friendly Avenue and a portion of Hobbs Road rights-of-way. The planned residential component will be developed nearest the northern lot line adjacent to the existing single-family development. The transition from the commercial portion to the location of the residential portion, along with installing an 8 foot tall privacy fence/wall was considered to be more compatible to the existing single-family residential development. The applicant is requesting the variance for one-foot in height beyond the allowed seven-feet in height. The applicant has mentioned that due to slight natural elevation changes along the northern property line along with the height of the existing single family homes, that one additional foot in height will better provide the desired privacy for the existing single-family homes. The PUD, Planned Unit Development districts are intended to allow a diverse mixture of residential and/or nonresidential uses and structures that function as cohesive and unified projects. The districts encourage innovation by allowing flexibility in permitted use, design, and layout requirements in accordance with a Unified Development Plan.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Tom Terrell, 300 N. Greene Street, attorney representing the applicant, was sworn in and stated that this is a very small, minor variance from a requirement in the ordinance and it is supported by everyone who would be affected. There have been several very contentious rezonings in this area that generated more newspaper headlines than ever in the past, over a small 6-acre tract of land. The rezoning that was approved in 2015, with Halpern Development and he is here tonight to finish what was started by an agreement with neighbors to try to make this a development that would work for everyone concerned. The Zoning Commission, City Council and a large community all participated in positive roles to provide vital and compatible development for this particular property. He read passages of the examples for the Board's information. Photographs of the adjoining properties at Hobbs Landing Court were shown for demonstration.

Steve Marks, 3214 Hobbs Landing Court, was sworn in and stated that he lives in the neighborhood that is adjacent to this property. He is not opposed to this proposed development of the subject property. This 1-foot variance was requested by his neighborhood and they support the request.

Mark O'Connor, 3209 Hobbs Landing Court, was sworn in and stated that he also supports this request as it will give some additional privacy to his home.

Frank Burton, 3213 Hobbs Landing Court, was sworn in and stated that he is also an adjacent property owner and feels that the proposed wall would certainly provide them with privacy for their homes.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

After some discussion among the Board members, there were no further questions and all Board members stated their support of the request.

Ms. Skenes moved that in regard to BOA-17-04, 807 Hobbs Road and 3516 West Friendly Avenue, that the findings of fact be incorporated into the record and the Enforcement Officer be overruled and a variance be granted based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because it is the intent of the property owner to provide additional buffer between the commercially zoned subject property and the adjacent residential property. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the topography inclining from the front to the rear and the additional foot being requested will give additional visual buffer. The hardship is not the result of the applicant's own actions because the LDO limits the fence height to 7 feet. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit and assures public safety and welfare and substantial justice because the applicant has continually worked with the neighbors regarding privacy issues. The variance would enhance the adjoining property and the subject property, seconded by Mr. Truby. The Board voted 7-0 in favor of the granting of the variance. (Ayes: Hayworth, Eckard, Blackstock, Cooke, Truby, Williams and Skenes. Nays: None)

- (e) BOA-17-05: **1401 ROANOKE DRIVE** Lawton D. Gresham, Jr. requests a variance from the requirement that utilities to detached accessory buildings be provided by branching service from the principal building. **Variance:** The applicant is proposing to have a separate electrical meter for a recently permitted detached garage/storage building. Section 30-8-11.1(G), Present Zoning-R-5 (Residential Single-family), Cross Street-Hawthorne Street. **(GRANTED)**

Nicole Smith stated that the applicant is requesting a variance from the requirement that utilities to detached accessory buildings be provided by branching services from the principal building. The applicant is proposing to locate a separate electrical meter on a proposed detached accessory storage building. The property is located at the eastern dead end of Roanoke Drive west of Hawthorne Street and is zoned R-5 (Residential Single Family). Tax records indicate the house was originally constructed in 1926. The survey shows the lot contains 40,270 square feet. The R-5 zoning district requires 7,000

square feet in size for each lot. This lot has 5 times more area than a minimum size R-5 lot. The property contains a 1.5 story dwelling. The house is located on the southern front portion of the property. Exhibit 4 shows that on October 2016, the applicant applied for and received a permit to construct a 20-foot x 18-foot detached accessory building. The location for the detached building is 20 feet from the north (rear) property line. The distance between the house and building is approximately 230 feet. The lot is oddly shaped. At one time, Roanoke Drive was a proposed right-of-way through this property. Exhibit 5 shows the portion of Roanoke Drive dedication that was abandoned and a new inclusion map to combine both portions of the subject site was recorded in September 2009. The property is developed with infrastructure consisting of the home, driveway, heavy landscaping and trees. The house and large areas of landscaping are located approximately 230 feet south of the location for the detached building. The applicant has mentioned that there is a power supply location for the building that will be best served from a power pole located at the north property line a few feet from the detached building. The applicant is aware that the detached building must serve the property as a personal use accessory building. The R-5, Residential Single-Family District is primarily intended to accommodate low density single-family detached residential development. The overall gross density in R-5 will typically be 5.0 units per acre or less.

Chair Hayworth asked if there was anyone wishing to speak on this matter.

Douglas Gresham, the applicant, was sworn in and stated that there would be difficulties in connecting to the electric pole that is closest to the property because of a stone wall near the property. There is also significant landscaping that is outside the woods making it more difficult for them to connect.

Chair Hayworth asked if there was anyone wishing to speak in opposition to this matter. There being none, the public hearing was closed.

Board Discussion:

After some discussion among the Board members, there were no further questions and all Board members stated their support of the request.

Mr. Truby moved that in regard to BOA-16-39, 1105-1115 East Bessemer Avenue, that the findings of fact be incorporated into the record and the Enforcement Officer be overruled and a variance be granted based on the following: If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the distance from the house and accessory building is more than 200 feet. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the shape of the property is an unusually long lot shaped. The hardship is not the result of the applicant's own actions because the lot has been in this condition and was additionally changed by the closing of the street. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit and assures public safety and welfare and substantial justice because there are no safety issues with tying onto the existing power line at the nearby pole, seconded by Ms. Eckard. The Board voted 7-0 in favor of the granting of the variance. (Ayes: Hayworth, Eckard, Blackstock, Cooke, Truby, Williams and Skenes. Nays: None)

OTHER BUSINESS

Information concerning average front setbacks for residential properties will be discussed at the February meeting since tonight's meeting ran so long.

ACKNOWLEDGEMENT OF ABSENCES

None.

There being no further business before the Board, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

Cyndy Hayworth, Chair
Greensboro Board of Adjustment

CH/jd